

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

FOR THE WESTERN DIVISION

VIVIAN BERT, et al., : CASE NO. 1:02CV00467

Plaintiffs, : Judge Beckwith

v. :

AK STEEL CORPORATION, :

Defendant. :

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Deposition of DARRELL D. CARTER, taken on  
Wednesday, August 15, 2007, commencing at 10:54  
a.m., at the offices of Taft, Stettinius &  
Hollister LLP, 425 Walnut Street, Suite 1800,  
Cincinnati, Ohio, before Susan M. Barhorst, Notary  
Public.

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## 1 APPEARANCES:

2 On behalf of Plaintiffs:

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8 On behalf of Defendant AK Steel Corporation:

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## 13 Cross-Examination

14 by Ms. Pryor 3, 113

15 by Ms. Donahue 112

16 \* \* \*

## 17 CARTER DEPOSITION EXHIBITS MARKED/IDENTIFIED

18 1 25

19 2 53

20 3 77

21 4 83

22 5 91

23

24

1 DARRELL D. CARTER

2 being first duly sworn, testified as follows:

3 CROSS-EXAMINATION

4 BY MS. PRYOR:

5 Q. Mr. Carter, my name is Patty Pryor and  
6 I represent AK Steel in a lawsuit you filed against  
7 them.

8 Could you state your full name for the  
9 record?

10 A. Darrell Dennis Carter.

11 Q. And have you ever been involved in  
12 civil litigation before?

13 A. No.

14 Q. Have you ever testified under oath  
15 before?

16 A. Yes.

17 Q. When was that?

18 A. It's been years ago. I can't recall.

19 Q. What was it for?

20 A. I might have been a character witness  
21 for somebody or something.

22 Q. Do you remember who it was for?

23 A. No, I can't remember.

24 Q. Was it a criminal trial?

1           A.     I think it was.

2           Q.     And you don't remember who?

3           A.     No, I don't.

4           Q.     Was it just one time?

5           A.     Somewhere around there.

6           Q.     Okay. I'll kind of go over some of  
7 the rules, just to refresh you, then. One thing  
8 that's important to do is answer out loud. She  
9 can't take down the nods and the shaking of the  
10 head. "Ah-huh's" and "na-huh's" are also hard, so  
11 try to remember verbally. We'll try to remind you  
12 if you don't.

13                   If you don't hear a question, please  
14 ask me to repeat it or -- yeah, repeat it. If you  
15 don't understand a question, please ask me to  
16 rephrase or tell me you don't understand what I'm  
17 asking for. If you need to take a break, we can do  
18 that.

19                   Do you have any medical condition or  
20 other problems that would prevent you from  
21 truthfully testifying today?

22           A.     No.

23           Q.     Anything that would prevent you from  
24 recalling events?

1 A. Excuse me?

2 Q. Do you have any condition or other  
3 reason that would prevent you from recalling events  
4 that have occurred?

5 A. Not -- maybe just time -- you know,  
6 elapsed time, you know.

7 Q. Sure.

8 A. It's been a long time, awhile, you  
9 forget a little bit here. Memory isn't as good as  
10 it used to be.

11 Q. Sure. Are you taking any drugs,  
12 alcohol, medication today?

13 A. No.

14 Q. Do you --

15 A. I mean, I drink occasionally.

16 Q. Have you taken a drink today?

17 A. No.

18 Q. Did you take any medication today that  
19 you normally take?

20 A. No, I don't take any medication.

21 Q. You don't take any?

22 A. No.

23 Q. Okay. Have you ever filed for  
24 bankruptcy?

1 A. No.

2 Q. Have you ever been convicted of a  
3 crime?

4 A. Yes.

5 Q. What was that?

6 A. Felonious assault back in 19 -- I  
7 think '81.

8 Q. 1981?

9 A. Yeah.

10 Q. And where was that at?

11 A. It was in Ironton, Ohio.

12 Q. Did you plead guilty to it or were you  
13 convicted?

14 A. I pled guilty to a lesser charge.

15 Q. What charge was that?

16 A. I think it was dropped down to a -- it  
17 was aggravated -- I think they dropped it down to  
18 felonious assault.

19 Q. Is that a felony or a misdemeanor?

20 A. It was a misdemeanor.

21 Q. It was dropped down from aggravated  
22 assault?

23 A. I think so, ma'am. You know, it's  
24 been years and stuff, you know. My memory, like I

1 say, isn't as good as it used to be.

2 Q. What were you accused of doing?

3 A. Well, I was accused of hitting a man,  
4 which was in self-defense, you know. He had pulled  
5 a knife on me.

6 Q. Any other criminal --

7 A. No.

8 Q. Any other run-ins with the law?

9 A. Na-huh.

10 Q. No?

11 A. No.

12 Q. Just a reminder of the -- all right.  
13 How many times did you apply at AK  
14 Steel?

15 A. I think that was my first time.

16 Q. So you've only applied one time?

17 A. Mm-hmm.

18 Q. Yes?

19 A. Yes.

20 Q. And why did you file this lawsuit?

21 A. Well, see, I -- I went to a job fair  
22 and I had heard about -- they were doing some  
23 hiring and went to a job fair. Talked to a Miss  
24 Lester and I figured since I worked in the iron

1 plant for seven and a half years, I might have a  
2 good chance of getting on to a steel mill. I had  
3 experience working in the iron mills, you know.

4 Q. Why did that lead you to file a  
5 lawsuit?

6 A. Well, I feel like I was discriminated  
7 against. I had took the test. In my terms, it was  
8 a common sense test. You know, general knowledge,  
9 the aptitude test and mechanical and stuff. And  
10 I've taken them. I attended Ohio University  
11 branch, taken entry level tests to get in school  
12 and stuff. So I think I'm pretty well  
13 knowledgeable about tests and stuff and academics.

14 Q. And so what about that led you to  
15 believe you should file a lawsuit?

16 A. Well, I was contacted by Mr. Cosby. I  
17 had worked at AK Steel with Integrated Housekeeping  
18 in the latter part of 2002. And I had met  
19 Mr. Cosby and told him that I had applied for the  
20 job. And I think he referred me to someone from  
21 Middletown. I don't know, Donald or somebody that  
22 was actually filing the suit and that I should  
23 apply for it or -- you know, being a litigant on  
24 it.



1 Q. And where did you meet Mr. Cosby at?

2 A. At AK Steel.

3 Q. And what, did he approach you or did  
4 you approach him?

5 A. I had seen him and he had looked like  
6 some -- some of my wife's relatives. And I asked  
7 him if he knew any Cosbys from Jackson, Ohio 'cause  
8 my wife is a -- her mothers are Cosbys (sic) and he  
9 said his name was Cosby. And we got to talking and  
10 stuff.

11 And I just told him that -- we  
12 mentioned about the lawsuit and stuff and then he  
13 referred me to -- told me that there was a suit  
14 pending against them and he'd gave me a name of  
15 someone to contact and they contacted me.

16 Q. Do you remember what -- what name he  
17 gave you --

18 A. I'm --

19 Q. -- to contact?

20 A. -- not sure.

21 Q. So he told you there was a suit  
22 pending against AK Steel?

23 A. Yes, that's -- somebody was filing a  
24 suit or something, a discrimination suit and it was

1 going to be a class action of some sort. And they  
2 with EOEC (sic) first, and then I think the company  
3 that represented -- they referred the case to,  
4 called me or something of that nature.

5 Q. The first person that you contacted,  
6 was that an attorney or was that just an  
7 individual?

8 A. They had contacted me. Like I say, I  
9 talked to Mr. Cosby, and then I was contacted, you  
10 know.

11 Q. You did not contact the next person;  
12 they contacted you?

13 A. I was -- I gave Mr. Cosby my name --

14 Q. Okay.

15 A. -- then he, in turn, told the  
16 individual my name, and then I applied for the job,  
17 and then I was contacted.

18 Q. The person that contacted you, was  
19 that an attorney or an individual?

20 A. I think, if I'm not mistaken, that was  
21 EOEC (sic), and then at that time --

22 Q. Okay. And why do you believe that AK  
23 Steel discriminated against you?

24 MS. DONAHUE: Object to the form. Go

1 ahead.

2 A. Well, like I say, I stipulate -- like  
3 the document says -- you know, I think it was race  
4 and -- you know, like I say -- I mean, the document  
5 stipulates everything that I said and what I  
6 believe.

7 Q. What document is that?

8 A. Excuse me?

9 Q. What document are you referring to?

10 A. The class, the suit -- -

11 Q. The --

12 A. -- filing the suit, yeah.

13 Q. The complaint?

14 A. The complaint, yes.

15 Q. What are you seeking to obtain in this  
16 lawsuit?

17 A. I'd just like to see maybe the -- the  
18 practices, the hiring practices change a little bit  
19 and that they maybe start giving people equal  
20 chances -- you know, of minorities and just change  
21 the whole policy of -- hiring policies and stuff  
22 and maybe not being able to do what they done in  
23 the near future or something --

24 Q. What --

1 A. -- of this nature, you know.

2 Q. What should be changed in their  
3 policies?

4 A. Well, I think they should start hiring  
5 more minorities and it shouldn't be based on a test  
6 that isn't always accurate, in my opinion, about  
7 the dependability of what a person can do,  
8 especially in a labor position.

9 Q. Are you seeking monetary damages at  
10 all?

11 A. I'd like to be able to -- where the  
12 jury or the law -- you know, allows, you know.

13 Q. Do you know an Allen Roberts?

14 A. Allen Roberts, I can't recall. No, I  
15 don't -- the name don't seem familiar.

16 Q. Do you know any of the other named  
17 plaintiffs in this lawsuit?

18 A. Yes, my sister and Tiffany Jackson  
19 and -- oh, my God. I think there's two Jacksons.  
20 The other Jackson is from Purina; Kay Jackson is  
21 her name. And I can't -- I just can't recall.  
22 It's been awhile since I looked at my -- you know,  
23 documents and stuff.

24 Q. Your sister is Darlene Carter?

1 A. Yes.

2 Q. Do you know anything about her  
3 qualifications?

4 A. She worked at the same plant I worked  
5 in.

6 Q. And that was Ironton Iron?

7 A. Ironton Iron, Intermet.

8 Q. Do you know what she did there?

9 A. I think she said cores.

10 Q. Do you know what -- how she did that?

11 A. The castings that they had -- you  
12 know, you have molds and stuff. And I guess they  
13 have -- they do -- they put these molds in certain  
14 slots or the -- what could I -- how could I  
15 describe it, or patterns. And they would put them  
16 in there and pour iron over them and that create  
17 the castings that they wanted. It could be a rear  
18 housing or steering knuckler or a bore head,  
19 I-beam -- you know, they make different castings.

20 Q. Do you know anything about when she  
21 applied at AK Steel?

22 A. I think she might have applied  
23 somewhere around in February of 2002, I think.

24 Q. Did you go with her when she applied?

1 A. No.

2 Q. Do you know about her application in  
3 any -- is the only way that you know about her  
4 application is what she told you?

5 A. Right. I knew she went to the job  
6 fair and that she went and took the test.

7 Q. Is that the same job fair that you  
8 went to?

9 A. I went to a different -- it was about  
10 the same place, but I think it was a different  
11 time.

12 Q. Okay. And what about Tiffany Jackson,  
13 do you know anything about her qualifications?

14 A. No, I don't.

15 Q. What about Kay Jackson, do you know  
16 anything about her qualifications?

17 A. No, I don't.

18 Q. And do you know anything about when  
19 they applied to AK Steel?

20 A. No, I don't.

21 Q. Okay. Have you had any meetings or  
22 conversations with any of the other plaintiffs,  
23 including your sister and the Jacksons, outside the  
24 presence of counsel?

1 A. No, not much, no.

2 Q. "Not much," does that mean you've had  
3 some?

4 A. Excuse me?

5 Q. You said "not much."

6 A. No, we just discussed it -- you know,  
7 coming up here and stuff, you know. I mean --

8 Q. What did you discuss?

9 A. We were -- you know, petitioned to be  
10 here. That was about it. I'd -- I'd really like  
11 to talk about it -- you know, it kind of agitates  
12 me.

13 Q. Okay. So you talked about coming up  
14 here to the deposition today?

15 A. We knew we were coming up here. We  
16 came together.

17 Q. Okay. Did you talk about the lawsuit  
18 on the way up?

19 A. No.

20 Q. Have you ever talked about what you  
21 guys hope to get out of the lawsuit?

22 A. We've talked about just getting some  
23 justification.

24 Q. Okay. Anything else?

1 A. No.

2 Q. Are you aware of anyone else who  
3 failed the test at AK Steel?

4 A. I think the Jacksons, and where there  
5 was some other individuals that -- that wanted to  
6 sue that I -- those names I can't recall, but I  
7 know -- said that they had flunked the test, too.  
8 And it was just odd that -- just like when I went  
9 to take the test, there were five of us blacks that  
10 took the test. And it just seemed rare that five  
11 blacks, not one out of the whole group would pass  
12 the test -- you know, and --

13 Q. Who were the other blacks that took  
14 the test with you?

15 A. I can't recall their names.

16 Q. Do you know them?

17 A. No.

18 Q. Do you know whether they failed or  
19 passed the test?

20 A. They failed the test also.

21 Q. How do you know that?

22 A. I was told.

23 Q. By who?

24 A. Just -- just acquaintances.



1 Q. Who told you?

2 A. Acquaintances, people that were --  
3 that knew about the suit and stuff.

4 Q. You went and took the test. You took  
5 the test with five other African-Americans?

6 A. Yes.

7 Q. Was there anyone else taking the test  
8 besides African --

9 A. I think there --

10 Q. -- Americans?

11 A. -- were about 12 or 13 other  
12 individuals.

13 Q. Okay. They were white?

14 A. They were Caucasians, yes, mm-hmm.

15 Q. Did you ever hear from those five  
16 individuals who took the test, how they did?

17 A. No. I mean, per se, I didn't. I  
18 just --

19 Q. You've heard from someone else?

20 A. I just heard from someone else that no  
21 one in that group that was black had passed the  
22 test also.

23 Q. Do you know whether anyone who was  
24 white passed that test?

1           A.     I know some individuals that were in  
2 my same department that got hired.

3           Q.     Did they take the test with you?

4           A.     No.

5           Q.     Okay. The individuals that you know  
6 that -- who were hired, who are they?

7           A.     One name was Tim Turley.

8           Q.     How do you spell his last name?

9           A.     T-U-R-L-E-Y. Rick Martin, and a Donny  
10 Whitley. I think they're working in the crane  
11 department.

12          Q.     And do you know when they were  
13 hired --

14          A.     I have no --

15          Q.     -- by AK Steel?

16          A.     -- idea. I just know they're hired  
17 'cause like I say, I worked over there in  
18 Integrated Housekeeping. We was subcontractor. I  
19 had seen them there and --

20          Q.     Okay. Do you know anything about  
21 their qualifications?

22          A.     I know they worked in the crane  
23 department, you know.

24          Q.     Down at Internet, they worked in the

1 crane department?

2 A. At Ironton Iron, the charging  
3 department they called it, yeah. Did the alloys  
4 and stuff that dropped down into cupola to melt the  
5 iron.

6 Q. Cupola?

7 A. Excuse me?

8 Q. She's asking what you -- you said  
9 you -- it drops down into -- did you say cupola?

10 A. The cupola.

11 Q. Is that a crane that they operate?

12 A. It's a magnet. It's over a crane, but  
13 it has a magnet on it and it comes down and it  
14 picks up a -- different alloys, oak castings,  
15 silica blocks, maybe aluminum, and then they have a  
16 charge bucket and they run coke into it and other  
17 -- other alloys and they mix it in this bucket.  
18 And takes it up to an elevator, like a shaft, and  
19 drops it down into the cupola to be melted.

20 Q. Okay. And these three individuals you  
21 named, Tim Turley, Rick Martin and Donny Whitley,  
22 they all ran that --

23 A. Yes, yes.

24 Q. -- at Ironton Iron?

1           A.     At various times, yes. And they  
2 worked in labor positions with me, too, and --

3           Q.     Okay. Did you ever run that crane at  
4 Ironton Iron?

5           A.     No, but I -- I've operated overhead  
6 cranes before.

7           Q.     Did you ever operate them at Ironton  
8 Iron?

9           A.     Yes, I have.

10          Q.     How many times did you operate  
11 overhead cranes?

12          A.     Oh, several times. We've had to get  
13 what you call dwells and that's what the iron is  
14 poured into once it comes out of the trough, you  
15 know. And we'd have to change them at nighttime  
16 occasionally so they could be set up for the next  
17 morning so the iron could go in -- into the dwell,  
18 desulfurize the iron.

19          Q.     So how would you move these dwells?

20          A.     With the overhead cranes, would be  
21 craned in -- you know, we'd hook them up and they'd  
22 have matches on the side where you could put the  
23 hooks into, you know.

24          Q.     Are you a certified crane operator?

1           A.       I'm not certified, but I have -- I  
2 have operated them.

3           Q.       Do you know if the other three are  
4 certified crane operators?

5           A.       They weren't certified. They were  
6 just operating them.

7           Q.       Do you know --

8           A.       They were never -- they were never  
9 certificates given.

10          Q.       At Ironton Iron?

11          A.       Right.

12          Q.       Do you know if they had certificates  
13 in some other fashion?

14          A.       No.

15          Q.       You don't know?

16          A.       They don't have any certificates, no.

17          Q.       How do you know that?

18          A.       I worked there. They didn't give out  
19 certificates.

20          Q.       I'm not asking what they had at  
21 Ironton Iron. I'm asking whether they had any  
22 certificate outside of Ironton Iron?

23          A.       Not that I know of.

24          Q.       Okay. Do you know what else they've

1 done in their lives besides working at Irononton  
2 Iron?

3 A. No.

4 Q. Do you know what their educational  
5 background is?

6 A. I think most of them were just high  
7 school.

8 Q. How do you know that?

9 A. I talked to them. I worked with them  
10 for about seven and a half years.

11 Q. You think they were high school?

12 A. Yes.

13 Q. Okay. Did you tell me that they were  
14 operating cranes at AK Steel?

15 A. Yes.

16 Q. All three of them?

17 A. I think so.

18 Q. And do you know what their application  
19 process to get those jobs was?

20 A. I don't know. I think they just  
21 applied for a crane operator or something. I'm not  
22 sure.

23 Q. You don't know for sure?

24 A. No.

1 Q. Getting back to the -- I think I  
2 originally asked, are you aware of anyone else who  
3 failed the AK Steel test and you were talking to me  
4 about the group that you took it with. You don't  
5 think any of them passed because you heard that  
6 through the grapevine?

7 A. Mm-hmm.

8 Q. Do you have any direct knowledge of  
9 anyone else who has failed the AK Steel test?

10 A. Not right off bat, no (sic).

11 Q. Are you aware of any white applicant  
12 who failed the test and was nevertheless hired?

13 A. No, not in my circle, you know.

14 Q. You don't know of anyone?

15 A. No.

16 Q. Okay. Do you understand that you are  
17 seeking to be a class representative in this case?

18 A. Excuse me?

19 Q. Do you understand that you're seeking  
20 to be a class representative in this case?

21 A. Yes.

22 Q. What's your understanding of what a  
23 class representative does?

24 A. I'm not real aware of the others. I'm

1 just a representative to represent the class. You  
2 know, I'm a individual of this class and I guess my  
3 testimony or my -- me being here or being a part of  
4 this process will classify me as representative.

5 Q. Do you know where settlement  
6 negotiations stand in this case?

7 A. Excuse me?

8 Q. Do you know where the settlement  
9 negotiations stand in this case?

10 A. No, I don't know.

11 Q. Do you know how much your attorneys  
12 have spent in fees and expenses in this case?

13 A. No, I don't.

14 Q. Do you know that you've dropped claims  
15 in this case?

16 MS. DONAHUE: Object to the form.  
17 Mischaracterizes --

18 THE WITNESS: Excuse me?

19 MS. DONAHUE: I'm just making an  
20 objection, but you can answer.

21 BY MS. PRYOR:

22 Q. Are you aware that you've dropped  
23 claims in this case?

24 A. No.



1 Q. You're not aware of that?

2 A. (Witness nodded.)

3 Q. What's your address?

4 A. 901 South Seventh Street, Ironton,  
5 Ohio.

6 Q. Do you know a Darrell E. Carter?

7 A. No, I don't.

8 Q. You've never filed a lawsuit against  
9 Southern Ohio Medical Center, have you?

10 A. No.

11 Q. You've never filed any other lawsuit,  
12 have you?

13 A. No.

14 Q. You've been handed what's been marked  
15 as Exhibit Number 1. Have you ever seen this  
16 document before?

17 A. No. Oh, excuse me. Yes, I have.  
18 Yes, I have seen them.

19 Q. You have seen it?

20 A. Yeah.

21 Q. Do you know when you saw it?

22 A. No, I can't recall.

23 Q. Was it recently? Was it a long time  
24 ago?

1 A. It's been awhile back.

2 Q. Did you gather documents in response?

3 A. Excuse me?

4 Q. Did you gather documents together in  
5 response --

6 A. I've had --

7 Q. -- to this document?

8 A. -- so many, I can't recall all of  
9 them. I mean, I've probably got seven or eight,  
10 maybe nine documents and I just can't recall all of  
11 them in -- in order or the exact ones.

12 Q. You mean you got seven or eight  
13 documents from your attorneys?

14 A. Yes, I've got different ones, you  
15 know.

16 Q. Do you pay attention to them?

17 A. Occasionally, yes. You know, like I  
18 say, I -- I read them at the time, I might  
19 remember, but over a time of period (sic), I'm  
20 probably likable (sic) to forget about it -- you  
21 know, about it, so --

22 Q. In your day-to-day life, do you pay  
23 much attention to this lawsuit?

24 A. Excuse me?

1 Q. In your day-to-day life, do you pay  
2 much attention to this particular --

3 A. Oh, yes --

4 Q. -- lawsuit?

5 A. -- I do. It bothers me a lot. I  
6 think about it a lot, yes.

7 Q. Are you married?

8 A. Yes, I am.

9 Q. How long have you been married?

10 A. 22 years.

11 Q. What's your wife's name?

12 A. Name is Mary Carter.

13 Q. And what's your educational  
14 background?

15 A. Excuse me?

16 Q. What's your educational background?

17 A. My educational background?

18 Q. (Ms. Pryor nodded.)

19 A. I've had about a year and a quarter of  
20 college.

21 Q. Did you graduate from high school?

22 A. No, I quit and I went back and got my  
23 GED.

24 Q. What year did you get your GED?

1 A. Back in 1979.

2 Q. And what year did you drop out of high  
3 school?

4 A. It was in '75.

5 Q. All right. How many years did you  
6 complete of high school?

7 A. Tenth grade.

8 Q. And you said you had about a year and  
9 quarter of college. Where did you go to college  
10 at?

11 A. It was in Ironton. It was Ohio  
12 University, Southern Branch.

13 Q. What year did you do that?

14 A. That was in 2001.

15 Q. And what did you study?

16 A. Human resources technology.

17 Q. And what is that?

18 A. That's a social field. You know,  
19 helping people in different fields, maybe it could  
20 be a mental capacity or -- you know, struggling  
21 with addictions of some sort or working at a  
22 welfare office, group home settings, stuff like  
23 that.

24 Q. Did you graduate?

1 A. No, I didn't.

2 Q. Did you receive any kind of  
3 certificate or degree?

4 A. No.

5 Q. Why did you stop going?

6 A. My brother was having some problems  
7 with his health and he needed some attention, so I  
8 took some time off to help him.

9 Q. How many courses did you take?

10 A. I think I ended up with about --  
11 courses alone, I can't remember. I mean, you had  
12 to take so many courses a -- a quarter. I think  
13 you had to have at least 12 credit hours a quarter,  
14 I know that. So for the time I was there, I was at  
15 least doing 12 or more credit hours in a quarter.

16 Q. Were you going to school full time?

17 A. Yes.

18 Q. Was this 2001 and 2002 or --

19 A. 2001, 2002, yes.

20 Q. And do you have a transcript from  
21 there?

22 A. Excuse me?

23 Q. Do you have a transcript from there?

24 A. No, but I could get one.

1 Q. Did you ever receive a transcript from  
2 there?

3 A. No, but I was told that I could get  
4 one if I -- if I needed to get one.

5 Q. Do you know what your grades were  
6 there?

7 A. Excuse me?

8 Q. Do you know what your grades were  
9 there?

10 A. I was about a C-plus student.

11 Q. Did you ever go to a Century Business  
12 College?

13 A. Century Business College, yes, I have.

14 Q. When was that?

15 A. Shew, man. Back in 19 -- I'm not  
16 sure, '81 or somewhere around in there.

17 Q. And how long did you go there?

18 A. I had went there for -- I think I was  
19 there for maybe a year or something, and then they  
20 closed down on us.

21 Q. Did you go there full time?

22 A. Yes. You know, other than what -- you  
23 know, you had your breaks at -- you know, different  
24 part of the years, summer breaks and stuff like

1 that and winter.

2 Q. What were you studying there?

3 A. I was taking computer operator.

4 Q. Did you complete any degrees or  
5 certificate there?

6 A. Like I say, the school closed. I was  
7 near completion of that and -- and the school  
8 closed on us.

9 Q. Did you try to transfer anywhere else?

10 A. No.

11 Q. Why not?

12 A. At the time, I just -- you know, just  
13 one of those things where you just get disgusted  
14 and I was having a lot of personal problems, so I  
15 just -- I just never went back and -- and finished  
16 it.

17 Q. What were the personal problems?

18 A. I can't recall. I just -- you know,  
19 just had some personal problems and I just never  
20 went back, you know.

21 Q. Have you taken any other courses or  
22 received any other degrees or training?

23 A. I have went to school for building  
24 maintenance. It was in Southern Ohio Skill Center

1 in Jackson, Ohio. I had took a six-month course  
2 for building maintenance and I have a certificate  
3 for it.

4 Q. When was that?

5 A. That was back in 1978 when I enrolled  
6 there and I went and got my GED.

7 Q. Okay. Any others?

8 A. No, that was it.

9 Q. I'm just going to go through your  
10 employment history. After you left high school,  
11 where did you go to work?

12 A. Excuse me?

13 Q. What was your first job after high  
14 school?

15 A. I think I worked at Tipton Bakery or  
16 something, somewhere around in there.

17 Q. What did you do there?

18 A. I was a bag handler, you know.

19 Q. How long did you work there?

20 A. I think it was just for a summer or  
21 something.

22 Q. And why did you leave?

23 A. I can't recall. That's been 25, 30  
24 years ago.



1 Q. And where did you work after that?

2 A. I think I went to -- where was that  
3 at? Bear with me for a minute. I think I worked  
4 at Wilson Sporting Goods also.

5 Q. How long did you work there?

6 A. Oh, about a year.

7 Q. And what did you do there?

8 A. I worked in the helmet department,  
9 just assembling helmets.

10 Q. And why did you leave that job?

11 A. That plant closed down also.

12 Q. Where did you work next?

13 A. Worked at a -- oh, a brickyard in  
14 Hitchins, Kentucky.

15 Q. A graveyard?

16 A. A brickyard.

17 Q. Brickyard?

18 A. Yeah.

19 Q. What did you do there?

20 A. They made -- you know, bricks.

21 Q. What did you do?

22 A. I was -- I think I was in the process  
23 of -- once they were heated, the clay or whatever  
24 they use to make the bricks, I got them off of --

1 once they came off the ovens or whatever, we loaded  
2 them onto crates, you know.

3 Q. How long did you work there?

4 A. Oh, I'd say about -- it wasn't very  
5 long, three or four months.

6 Q. And why did you leave that job?

7 A. Well, it was kind of strenuous. At  
8 the time, I had had a operation in my shoulder and  
9 I had a pin in it. And I didn't know it was going  
10 to be doing that kind of strenuous work and I  
11 couldn't do it, so I had to -- end up quitting.

12 Q. Do you still have that pin in your  
13 shoulder?

14 A. No, I don't.

15 Q. When did that come out?

16 A. When did it actually come out?

17 Q. Yeah.

18 A. I think, if I'm not mistaken, about  
19 '81 or '82.

20 Q. So was it shortly after you worked in  
21 the brickyard?

22 A. Yes.

23 Q. Okay. Where did you work after the  
24 brickyard?

1           A.       I'm trying to think. I think I worked  
2       at Anderson's Pizza Pub.

3           Q.       And what did you do there?

4           A.       Just general -- making up pizzas --  
5       you know, putting the pizzas together and I did  
6       some janitorial work, too.

7           Q.       How long did you work there?

8           A.       That was a part-time summer job.

9           Q.       And why did you leave there?

10          A.       It was just part time.

11          Q.       Did you leave at some point?

12          A.       Excuse me?

13          Q.       Did you leave that position at some  
14       point?

15          A.       Yes.

16          Q.       Why did you leave?

17          A.       I had -- like I said, it was a  
18       part-time position.

19          Q.       Okay. Did you work anywhere else when  
20       you worked at Anderson's Pizza Pub?

21          A.       I gave -- let me see. I gave -- I  
22       gave Tipton's Bakery.

23          Q.       Were you working two jobs when you did  
24       Anderson's?

1 A. Not that I can recall.

2 Q. Okay.

3 A. I think I might have been doing a job  
4 with my father. He was working in some bars and we  
5 were doing janitorial and I was helping him.

6 Q. And at some point, you decided -- did  
7 you get fired from Anderson's Pizza Pub?

8 A. No, I don't recall getting fired, no.

9 Q. Do you know why you left?

10 A. I think it was a part-time job.

11 Q. Well, I understand it's part time, but  
12 at some point, you decided not to work in there or  
13 they decided they didn't want you working there  
14 part time?

15 A. I -- I can't recall. It's been --  
16 like I say, it's been so long.

17 Q. Where did you work next?

18 A. I worked at Fairchild Buick in  
19 Ashland, Kentucky.

20 Q. And what did you do there?

21 A. Detail department.

22 Q. And how long did you work there?

23 A. It was in used cars.

24 Q. How long did you work there?

1           A.     Oh, about a year and a half,  
2 something -- somewhere around there.

3           Q.     And why did you leave that position?

4           A.     I think I quit that because of the pay  
5 rate, but just -- I wasn't get paid what I thought  
6 I should have been getting.

7           Q.     What did you think you should have  
8 been getting?

9           A.     I just can't recall. I know at the  
10 time I was underpaid, and as far as monetary  
11 number, I can't recall that.

12          Q.     Okay. Where did you go to work after  
13 that?

14          A.     I worked for Manpower Temporary  
15 Services. No, excuse me. I had -- excuse me. I'm  
16 going back now. When I went to Southern Ohio  
17 Skills Center, I had worked for the City of Jackson  
18 for awhile. That was back in -- be 1979.

19          Q.     Okay. So was that before or after  
20 Wilson's Sporting Goods?

21          A.     I think that was in '79. That was --  
22 that was before, I think. It might have been  
23 after. I can't recall. It's --

24          Q.     How long did you work for the City of

1 Jackson?

2 A. It wasn't too long. I think I was  
3 there about three or four months and --

4 Q. And why did you leave?

5 A. I decided to go back to my hometown.

6 Q. Which was?

7 A. Ironton.

8 Q. Where else did you work? We got  
9 the -- did you work anywhere else before  
10 Fairfield -- Fairchild Buick?

11 A. I can't recall. I know I gave you --

12 Q. Did you work anywhere after Fairchild  
13 Buick?

14 A. I think I -- like I say, I've  
15 worked -- I went to Manpower and I think -- I can't  
16 recall what other -- but I know I worked for  
17 Manpower. I can't recall any others.

18 Q. I think earlier you said that you  
19 worked for Ironton Iron, Intermet?

20 A. Yes.

21 Q. How long did you work there?

22 A. I worked there from October of '90 to  
23 February of 2000.

24 Q. October of 1990?

1           A.       Of '92 to 2000, February 2000.

2           Q.       And I apologize. You may have already  
3 told me. What did you do there?

4           A.       I hired in as a laborer in finishing,  
5 but I got bumped to the melt department about two  
6 months later.

7           Q.       And what does the melt -- what did you  
8 do in the melt department?

9           A.       My first job -- well, it was just  
10 doing general labor, clean up. We were getting  
11 hoppers -- coke breeze hoppers. The coke breeze  
12 come off a conveyor belt into these hoppers and we  
13 would get them in the hopper and dump them in the  
14 trucks that were then -- that would take the coke  
15 breeze out of the plant and dispose of them  
16 somewhere and just going to get sulfur tanks to  
17 take to the melt department to take -- to hoist up  
18 to the -- to a certain level so they could set  
19 these sulfur dwells down and operate them and stuff  
20 like that, and going to the storeroom on a tow  
21 motor getting different supplies and stuff.

22           Q.       Okay. And why did you leave Intermet?

23           A.       The plant closed down in February  
24 2000.

1 MS. DONAHUE: Excuse me. Can I ask  
2 you that word, coke breeze or coke --

3 THE WITNESS: Yeah, that's what comes  
4 off coke. You know, is the -- the byproduct -- you  
5 know, the ash or more or less like -- you know, the  
6 broken particles and --

7 MS. DONAHUE: Okay.

8 THE WITNESS: -- the dust that comes  
9 off of the coke.

10 MS. DONAHUE: It's called breeze?

11 THE WITNESS: Yeah, coke breeze.

12 MS. DONAHUE: Okay.

13 THE WITNESS: Mm-hmm. Coke, they  
14 burned it -- you know, to heat the cupola.

15 MS. DONAHUE: Okay.

16 BY MS. PRYOR:

17 Q. What was your job after Internet?

18 A. Excuse me?

19 Q. What was your next job after Internet?

20 A. Internet, when did I go? I think I  
21 worked for -- the next job, I -- I had drawn (sic)  
22 unemployment for a year and a half.

23 Q. Okay.

24 A. And I think I went to Integrated



1 Housekeeping after that.

2 Q. After your unemployment ran out?

3 A. Yes, mm-hmm.

4 Q. Okay. And during that year and a  
5 half, did you look for other employment?

6 A. Yes, I tried to seek unemployment, but  
7 the jobs that were paying weren't comparable to  
8 what I was getting on my full benefits, you know.  
9 So I had then exhausted -- you know.

10 Q. The jobs that were available  
11 weren't --

12 A. Were comparable to what I was  
13 getting --

14 Q. All right. Let me --

15 A. -- on my benefits of employment, you  
16 know.

17 Q. Were you offered any jobs?

18 A. No.

19 Q. Okay. And then after that  
20 unemployment ran out, is that -- you said you went  
21 to Integrated --

22 A. Yes.

23 Q. -- Housekeeping? Was that roughly  
24 September 2002?

1           A.       That was in about -- let me see.  
2       September of 2002 to I think the seventh month of  
3       2003.

4           Q.       Okay. And was that after you had  
5       completed the -- after you had gone to OU?

6           A.       Yes.

7           Q.       And did you go to OU during that time  
8       when you were receiving unemployment?

9           A.       I think I did. I went to OU 2001 to  
10      2002, and then I went to Integrated Housekeeping.

11          Q.       And what did you do at Integrated  
12      Housekeeping?

13          A.       I was a janitor in maintenance.

14          Q.       And where did you work at?

15          A.       We just went to different offices,  
16      cleaned them, took care of the bathhouses, took  
17      trash out, did some buffing on floors. Just  
18      general labor and maintenance work.

19          Q.       What companies did you go to?

20          A.       It was called Integrated Housekeeping  
21      Management.

22          Q.       I'm sorry. Did you go out to  
23      different -- did you at Integrated go out to other  
24      employers and clean other employers or did you --

1 A. Oh, we had --

2 Q. -- clean ---

3 A. We had a contract with the coke plant,  
4 AK Steel coke plant also.

5 Q. Okay.

6 A. So we -- we took care of the AK Steel  
7 plant and the AK Steel coke plant --

8 Q. Okay.

9 A. -- you know.

10 Q. Did you take care of any other besides  
11 AK Steel's --

12 A. No, not --

13 Q. -- coke plant?

14 A. -- when I was working there, no.

15 Q. So were you always working there at AK  
16 Steel coke plant?

17 A. No. I'd work at AK Steel coke plant  
18 and AK Steel.

19 Q. Okay. And AK Steel?

20 A. Yeah.

21 Q. Okay. And what was your pay there?

22 A. I think it was \$7 an hour.

23 Q. Did you receive any raises?

24 A. Excuse me?

1 Q. Did you receive any raises?

2 A. No. There was some seniority issues  
3 at the time and my supervisor didn't want to give  
4 me a raise 'cause he said I hadn't been there long  
5 enough, but I been there long enough, about the  
6 same amount of time everybody else was getting a  
7 pay raise and I didn't get one, so I ended up  
8 resigning.

9 Q. So you quit because you did not get a  
10 pay raise?

11 A. Excuse me?

12 Q. You quit because you did not --

13 A. Well, the --

14 Q. -- get a pay raise?

15 A. -- seniority issues.

16 Q. Were the seniority issues only around  
17 the pay issue or was there --

18 A. Well --

19 Q. -- something else?

20 A. -- it was more seniority -- you know,  
21 he was telling me I wasn't -- the time I had been  
22 there, my seniority didn't make a difference. You  
23 know, there were younger people. We were doing  
24 some cross-training at the coke plant and we were

1 going there as a -- two people to fill vacancies,  
2 maybe for people who -- at the coke plant getting  
3 cross-training so we could go there. And I think  
4 we were doing like a weekend apiece to get  
5 familiarized with the job.

6 And I had done my two -- I mean, my  
7 weekend work up there and I was supposed to come  
8 (sic) back to AK Steel. That's where I got hired  
9 in at. And my supervisor told me I had to go back  
10 and I said, well, there's some people that are  
11 younger than me that haven't been up there yet. So  
12 I said, why don't you take them back. I've done my  
13 weekend. And that created a problem with him and  
14 that's where the seniority issue came up and --

15 Q. And when you say when you were up at  
16 AK Steel or the coke plant, you were there as an  
17 employee of Integrated Housekeeping?

18 A. Right.

19 Q. Did you receive any benefits at  
20 Integrated Housekeeping?

21 A. No.

22 Q. How many hours a week did you work  
23 there?

24 A. I worked anywhere from 40 to 56 hours

1 a week.

2 Q. And you resigned?

3 A. Yes, I did.

4 Q. I think you said it was roughly July  
5 2003?

6 A. Somewhere around July, August, yeah,  
7 'cause I think I had about two or three more months  
8 to go before I had a year in there.

9 Q. Okay. And what was that -- your next  
10 job?

11 A. After Integrated Housekeeping?

12 Q. Mm-hmm.

13 A. Who did I go with? If I'm not  
14 mistaken, I think I went to Manpower again.

15 Q. Okay. What did you do for Manpower?

16 A. We just go to different businesses as  
17 needed -- you know, Value City to assemble  
18 furniture. They had a bolt nut -- a nut and bolt  
19 place we worked at that supplied both nuts for the  
20 military or something who made bolts and we'd have  
21 to file them down to a certain specification, stuff  
22 like that. Different places that needed it.

23 Q. How long did you do that for Manpower?

24 A. I think I did that for about a year.

1 Q. Okay. And from there, where did you  
2 go to work?

3 A. I think I left there. I went to  
4 Infocisian Management.

5 Q. And what is Infocisian Management?

6 A. It's a telemarketing place.

7 Q. And were you a telemarketer?

8 A. Yes.

9 Q. And how long did you work there?

10 A. I didn't work there about a -- it  
11 wasn't two weeks.

12 Q. Why did you stop working there?

13 A. They had me on outbound calls and we  
14 were working on a win-back program -- you know, for  
15 Earthlink and trying to sell odor -- individuals  
16 insurance and I wasn't comfortable with the format.

17 Q. What do you mean you weren't  
18 comfortable with the format?

19 A. The way they were going about trying  
20 to get these customers to come back and the way you  
21 had to read a script to them and describe things to  
22 them that they didn't actually know about. And the  
23 four managers constantly -- harassing me constantly  
24 and I just didn't care for that, so I resigned.

1 Q. Okay.

2 A. I'd asked for a transfer to a  
3 different department, but it was denied. So I just  
4 ended up resigning.

5 Q. Okay. And what was your rate of pay  
6 there?

7 A. I think it was \$7.25 an hour.

8 Q. Did you receive any benefits there?

9 A. No.

10 Q. What was your next job?

11 A. At the Infocisian -- after Infocisian,  
12 I think that was it. I can't recall.

13 Q. You have not worked --

14 A. I've got a bad memory. You know, I've  
15 just -- over the years and stuff, I been -- I been  
16 affected tremendously by this -- this lawsuit and  
17 I've had a lot of personal issues. I've gone to  
18 counseling and drug places. I've just -- I been  
19 one -- just one wreck ever since this -- this has  
20 taken place.

21 Q. Ever since the lawsuit was --

22 A. Yes.

23 Q. -- filed?

24 A. Yes.



1 Q. Well, how has the lawsuit affected  
2 you?

3 A. It's just made me feel very  
4 disappointed in the process of not getting hired,  
5 mostly because I think my race and it's -- I been  
6 depressed. I've just never understood why I wasn't  
7 hired. And it hurt me that I thought I had enough  
8 experience to get hired and I wasn't hired. And  
9 I've had a lot of problems ever since then.

10 Q. You did not find out about the lawsuit  
11 or kind of join in on this until after you started  
12 working for Integrated Housekeeping; is that right?

13 A. It was somewhere around in there,  
14 yeah.

15 Q. Have you ever not been hired anywhere  
16 else?

17 A. Excuse me?

18 Q. Have you ever applied anywhere else  
19 and not been hired?

20 A. And not been hired?

21 Q. Mm-hmm.

22 A. Yes, I've gone to other places and --  
23 and not been hired, yes.

24 Q. Okay. Do you have the same depression

1 over that?

2 A. It hurts when you -- you think you're  
3 not being hired for a certain reason, yes.

4 Q. Okay. So have you worked anywhere  
5 since Infocisian Management?

6 A. No.

7 Q. And how long ago was that?

8 A. Well, I'm working right now.

9 Q. Where are you working now?

10 A. I'm working with -- in Veiola  
11 Environmental Services.

12 Q. How do you spell that?

13 A. V-E-I-O-L-A, Environmental Services.

14 Q. What do you do for them?

15 A. We go to different plants during  
16 shutdown or when needed and we do a high-pressure  
17 cleaning; we do high back; just different, various  
18 labor jobs.

19 Q. And how long have you had that job?

20 A. I've worked there since April of this  
21 year.

22 Q. April 2007?

23 A. Yes.

24 Q. And what's your rate of pay there?

1 A. I'm getting paid \$9 an hour.

2 Q. And do you receive any benefits?

3 A. Yeah. I've got dental right off bat,  
4 (sic) but I just have to pay something after -- I'm  
5 on my wife's insurance, so I'm not -- I'm not  
6 getting anything else.

7 Q. Okay. Have you ever been terminated  
8 from an employer?

9 A. Have I been terminated from my  
10 employer? I can't recall. I know I quit a lot of  
11 jobs.

12 Q. Do you know whether you've ever been  
13 terminated?

14 A. No.

15 Q. Asked to leave?

16 A. No, I can't recall.

17 Q. You don't recall?

18 A. No.

19 Q. Have you ever been disciplined at any  
20 employer?

21 A. No. I mean, such as?

22 Q. Received a warning, a verbal  
23 counseling?

24 A. No, no.

1 Q. Have you ever had a safety infraction  
2 where you're told you're not following safety  
3 procedures?

4 A. No, no.

5 Q. Have you ever had an incident or an  
6 accident at work?

7 A. No.

8 Q. Have you ever been involved in  
9 something that caused damage to company property or  
10 product?

11 A. At a -- at a work site?

12 Q. Yeah.

13 A. No.

14 Q. At Intermet, did you ever cause damage  
15 to any of the products?

16 A. No. We had -- we have strenuous  
17 safety classes every month and -- I mean, that was  
18 drilled into us, you know.

19 Q. Do you know why Intermet shut down?

20 A. I think they -- their tax incentives  
21 broke out -- I mean, elapsed and I think EPA was  
22 going to fine so much money and they needed a lot  
23 of repair. I think it was just cheaper for them to  
24 shut the plant down.

1 Q. You've been handed what's been marked  
2 as Exhibit Number 2. Is this your application to  
3 AK Steel?

4 MS. DONAHUE: Look at the whole thing.

5 A. Mm-hmm.

6 Q. Yes?

7 A. I think it is.

8 Q. Is that your handwriting?

9 A. Yes.

10 Q. On the last page, is that your  
11 signature at the bottom?

12 A. Yes.

13 Q. And on the top of the first page, next  
14 to your name, there's a line for a date and it says  
15 10/1/01 on the first page.

16 MS. DONAHUE: Here, this page here.

17 A. Yeah, might have been, mm-hmm.

18 Q. Is that when you applied?

19 A. It might have been, yeah. Like I  
20 said, I'm not really sure. I thought it was in  
21 '02, but it's -- like I say, it's been awhile. My  
22 memory is very poor.

23 Q. If you -- when you completed this, I  
24 assume you completed it honestly?

1 A. Yes.

2 Q. And you would have put the date you  
3 were completing it on here?

4 A. Yes, I think so.

5 Q. Is that your handwriting for the  
6 dates --

7 A. Yes.

8 Q. -- on the first page? I think you  
9 testified that you went to a job fair?

10 A. Yes.

11 Q. How did you find out about the job  
12 fair?

13 A. Just word of mouth.

14 Q. Did you go with anyone to the job  
15 fair?

16 A. I think I did. I think it was a  
17 friend of mine called Timmy Pleasant.

18 Q. Pleasant?

19 A. Yes.

20 Q. P-L-E-A-S-A-N-T?

21 A. P-L-E-A-S-A-N-T.

22 Q. Okay. Was there more than one  
23 employer at this job fair or was there --

24 A. Oh, yes, there were various, different

1 employers.

2 Q. Okay. How many of the employers did  
3 you apply with?

4 A. I think I went to them. I think I  
5 went to a barge place and I'm not sure what other.  
6 But I was basically concerned about AK Steel  
7 because I had worked in the iron mill for -- you  
8 know, seven and a half years almost and that's what  
9 really interested me at the time.

10 Q. Okay. Did anyone suggest that you go  
11 to this job fair because AK Steel was going to be  
12 there?

13 A. I think it was, mm-hmm.

14 Q. Do you know who?

15 A. I can't recall.

16 Q. I assume AK Steel had a booth there?

17 A. Yes, they had a table there.

18 Q. Table there? Who was at the table?

19 A. I think a Miss Lester and someone else  
20 was there. I can't recall who else.

21 Q. Did you talk to Ms. Lester?

22 A. Yes, I did.

23 Q. And what was that conversation?

24 A. I think I told her that I -- I was

1 interested and that I had experience in an iron  
2 mill and I was interested. And I think she told me  
3 to take a application and fill it up and return it.

4 Q. Did she say anything else?

5 A. I can't recall, no.

6 Q. Did the other individual who was there  
7 say anything?

8 A. I can't recall what he did or said.

9 Q. Okay. Did you say or do anything  
10 else?

11 A. No, I just looked around, more or  
12 less.

13 Q. Did Mr. Pleasant go with you to the AK  
14 Steel table?

15 A. No.

16 Q. So you took the application?

17 A. Yes.

18 Q. Did you complete it there?

19 A. I can't recall where I completed it  
20 there or if I went to the plant and got one and  
21 filled it out or what.

22 Q. You don't recall if you took the  
23 application there or --

24 A. I can't recall if it was there or if I



1     went to the plant and got one or what. I really  
2     can't.

3             Q.     Do you remember submitting the  
4     application anywhere?

5             A.     I can't recall that, either. I don't  
6     know if I took it back to the plant. I think I  
7     told -- took it back to the plant, if I'm not  
8     mistaken.

9             Q.     Do you remember who you gave it to at  
10    the plant?

11            A.     No, I can't.

12            Q.     Did you talk to anyone when you  
13    returned the application?

14            A.     No, I was just told to return it back.  
15    And then once I turned it back, I was given a date  
16    to come take a test and --

17            Q.     When you went and submitted the  
18    application at that time, did someone say here's  
19    the date to come, take the test or did someone call  
20    you later?

21            A.     Someone called me.

22            Q.     Do you know who called you?

23            A.     I can't recall.

24            Q.     What did they tell you on the phone?

1           A.     That I'd been scheduled to take a  
2     test -- you know, for the -- the job.

3           Q.     Do you know how quickly that call came  
4     in?

5           A.     I can't recall.

6           Q.     Was it months later?

7           A.     It -- it might have been a month  
8     later, two months. I can't recall, really I can't.

9           Q.     Okay. Did you -- I assume you went  
10    and took the test?

11          A.     Yes.

12          Q.     Did you talk to anyone at the test?

13          A.     No.

14          Q.     Did anyone from AK Steel talk to you  
15    at the test?

16          A.     No, they just directed us down --  
17    downstairs where they were taking the test at and  
18    told us to -- you know, be seated and someone would  
19    come in and give us some information about the  
20    test. And I think they have a time lapse or  
21    something --

22          Q.     Okay.

23          A.     -- on the test.

24          Q.     How long was the test?

1           A.     I think it may be a two-and-a-half,  
2     three-hour test.

3           Q.     After the test was over, did you turn  
4     your test in?

5           A.     Yes.

6           Q.     And then what happened?

7           A.     I was told to call her and get some  
8     results. I think I called her once, but she said  
9     she hadn't got the results, but she would contact  
10    me. I was supposed to call her back to see the  
11    results.

12          Q.     And "her," is that Susan Lester?

13          A.     Yes.

14          Q.     Okay. And did you call her and get  
15    the results?

16          A.     Yes, I called her back --

17          Q.     Okay.

18          A.     -- a second time. I think that's when  
19    she'd told me I had failed the test.

20          Q.     Did she say anything else?

21          A.     No, that was it.

22          Q.     Okay. Have you had any further calls  
23    or contact from Susan Lester?

24          A.     Since then?

1 Q. Mm-hmm.

2 A. No.

3 Q. Have you had any other -- have you  
4 talked to anyone else from AK Steel?

5 A. Excuse me. I did recall talking to  
6 her after the results were given. I had asked her  
7 what part did I flunk on 'cause I was kind of  
8 curious 'cause I took aptitude and general  
9 knowledge tests all my life. And I've done -- like  
10 I said, I done basically good on them.

11 I took a college exam test and got in  
12 college. And I -- I think I asked her about the  
13 results or what area it is so I could maybe help  
14 myself in that field, whatever area it was I  
15 flunked in. And she told me that she couldn't get  
16 them and I -- I think I asked why.

17 Q. Did she say anything?

18 A. I think she said a independent firm  
19 did it and they weren't allowed to get the  
20 information out.

21 Q. Okay. Any other conversations with  
22 Ms. Lester?

23 A. No.

24 Q. Any other conversations with anyone

1 else at AK Steel?

2 A. Like I say, I've talked to -- not at  
3 that, but they -- I talked to Mr. Cosby.

4 Q. Okay. And what were those  
5 conversations?

6 A. That was concerning the lawsuit and --

7 Q. Okay.

8 A. -- I think I talked to a Mark Collins.  
9 I think he's deceased now.

10 Q. Who is Mark Collins?

11 A. He was, I think, from Ashland,  
12 Kentucky. He was in civil rights over there, I  
13 think. And I had mentioned the lawsuit -- you  
14 know, to him.

15 Q. Did he work at AK Steel?

16 A. He worked at AK Steel, but he's  
17 deceased now.

18 Q. Is he white or black?

19 A. He was a black guy.

20 Q. And you told him about the lawsuit?

21 A. Yes.

22 Q. And what did he say?

23 A. I can' recall. We just discussed it,  
24 that I put a application in and I know he was in

1 civil rights over there and I asked him what he  
2 could do possibly. And I can't recall the content  
3 of what he said to me, you know.

4 Q. Any other conversations with anyone  
5 from AK Steel?

6 A. No.

7 Q. You were not denied the right to apply  
8 at AK Steel, correct?

9 A. Excuse me?

10 Q. You were not denied the right to apply  
11 at AK Steel, were you?

12 A. No.

13 Q. Okay. Was anyone hostile to you  
14 during your application process?

15 A. No.

16 Q. Was the application process itself  
17 hostile at all?

18 A. I didn't hear you.

19 Q. Was the application process itself  
20 hostile at all?

21 A. Oh, no.

22 Q. Okay. On your application, Exhibit  
23 Number 2, you list a Fred Howell as a reference.  
24 It's on the last page.

1           A.     Yeah, he was a supervisor of mine in  
2     the melt department.

3           Q.     At Ironton Iron?

4           A.     Yes.

5           Q.     Okay. What about Bill -- is it Chick?

6           A.     Bill Click was our Lawrence County dog  
7     warden.

8           Q.     Why do you list him as a reference?

9           A.     I gave him a reference because -- see,  
10    I think I -- I worked there on a part-time basis  
11    when I was getting food stamps when I got laid off  
12    years back ago (sic) and he -- he knew me pretty  
13    well as a character and stuff and --

14          Q.     What about -- is it Clarence Koster?

15          A.     He worked with me at Ironton Iron  
16    also.

17          Q.     On the first page of Exhibit Number 2,  
18    it asks, "Have you been convicted of a crime other  
19    than a minor traffic violation?" and you wrote  
20    "No." That's not correct, is it?

21          A.     Where is that at?

22          Q.     The first page.

23                 MS. DONAHUE: Right here.

24          A.     Oh, no.

1 Q. That's not correct, is it?

2 A. No.

3 Q. Why do you only list two employers on  
4 this application?

5 A. It says present to most recent  
6 position after Ironton Iron 'cause, like I say, I  
7 think that was my last job before I really applied  
8 for this job.

9 Q. Mm-hmm. And under that, you've got  
10 next previous position and you've got Fairchild  
11 Buick?

12 A. Yes.

13 Q. And after the next previous --

14 A. Oh, I didn't --

15 Q. -- you've got --

16 A. I just didn't fill it in. I don't  
17 know why I didn't. Like I said, since -- you know,  
18 the plant closed down and just -- I -- my mind --  
19 memory isn't as good as it used to be. I have some  
20 personal problems and -- you know.

21 Q. What were the personal problems?

22 A. I've gone through counseling -- you  
23 know, through a mental -- medical family center for  
24 depression. I've -- I've gone through to an AA



1 place for alcohol problems and this has affected me  
2 tremendously.

3 Q. When were you first diagnosed with  
4 depression?

5 A. I think right after I got turned down  
6 for this job.

7 Q. Who diagnosed you with depression?

8 A. Excuse me?

9 Q. Who diagnosed you with depression?

10 A. I went to family medical center -- you  
11 know, I just told them I wasn't feeling too well  
12 and I -- they gave me some antidepressant drug at  
13 the time and -- you know.

14 Q. And you're not still taking those, are  
15 you?

16 A. No.

17 Q. When did you stop taking them?

18 A. It wasn't very long after that  
19 because, see, I don't think to be independent (sic)  
20 on drugs to try to get my problems corrected and I  
21 didn't stay on them very long.

22 Q. Do you still see someone for  
23 depression?

24 A. No. I -- I try to deal with things

1 personally and I just -- when it comes to tones,  
2 being cordial or speaking to somebody about it,  
3 I -- I don't like to talk about it.

4 Q. So did you seek counseling or did you  
5 just go to them one time?

6 A. I -- I went there at one time and --  
7 and talked to a counselor and at family guidance  
8 center -- you know, like I said, I went to a AA  
9 place in Ironton and I can't recall what the name  
10 was.

11 Q. So you went to the family -- is it  
12 guidance center or some --

13 A. Family medical guidance center.

14 Q. You went there once?

15 A. I think once, yeah. Once or twice,  
16 yeah. It's on Second Street in Ironton, Ohio.

17 Q. And what year was that?

18 A. I went there -- I think it was three  
19 or four years ago and I went there last year for a  
20 little while.

21 Q. Why did you go there last year?

22 A. I was having -- just depressed.

23 Q. What was causing the depression last  
24 year?

1           A.     Well, not getting this job that I'd  
2     applied for and just other personal things, you  
3     know.

4           Q.     What were the other personal things?

5           A.     I'd -- I'd rather not talk about that,  
6     just some personal problems.

7           Q.     What were they?

8           A.     I'd rather not talk about them.

9           Q.     I understand that, but it's part of  
10    the deposition. What were the other personal  
11    problems?

12          A.     Personal problems -- you know, with  
13    the family. That's it.

14          Q.     What were they?

15          A.     I can't -- I'd rather not discuss  
16    that.

17          Q.     All right. It's part of the lawsuit  
18    here. I'm entitled to ask the question --

19          A.     Well, I mean, I -- I told you about  
20    how I felt about the -- the plant and how it  
21    affected me. What happens in my personal life, I  
22    think that's not -- that's my business.

23          Q.     Well --

24                 MS. DONAHUE: I'm sorry. You do have

1 to answer. You're required to answer questions.

2 THE WITNESS: About my personal life?

3 MS. DONAHUE: Yes, mm-hmm. That's  
4 part of the lawsuit.

5 A. Okay. Well, me and my wife, we -- we  
6 were having problems and stuff, you know.

7 Q. What kind of problems?

8 A. We were just having marital problems.

9 Q. Is that why you went to seek  
10 counseling last year?

11 A. No. That was for depression and, like  
12 I say, that was for depression. I -- I been  
13 depressed a long time, for awhile. And I just --  
14 last year I went to get some help. And, like I  
15 say, I went there for awhile and he gave me a  
16 diagnosis. I went to AA meetings and stuff like  
17 that and --

18 Q. What was the diagnosis?

19 A. He said that he thought I had a  
20 alcohol problem.

21 Q. So you started going to AA meetings?

22 A. Yes, I did.

23 Q. Do you still go to AA meetings?

24 A. Excuse me?

1 Q. Do you still go to AA meetings?

2 A. No, I don't.

3 Q. When did you stop?

4 A. It must have been after four or five  
5 sessions or something like that.

6 Q. Was this alcohol problem causing  
7 problems with your marriage?

8 A. That probably could, mm-hmm.

9 Q. Any other counseling that you've gone  
10 to?

11 A. No. Like I say, I've just gone to  
12 family medical and the AA place, you know.

13 Q. Do you know why you were not hired by  
14 AK Steel?

15 A. They said it was because I flunked the  
16 test.

17 Q. Do you have any reason to doubt that  
18 that's true?

19 A. Yes, I do.

20 Q. What's that?

21 A. Like I say, I've -- I've taken  
22 various -- various aptitude tests. I've taken  
23 college entrance tests, passed them. I've taken  
24 (sic) mechanical tests, passed them. I -- you

1 know, I'm very knowledgeable -- you know, when it  
2 comes to taking tests and I thought it was very  
3 common sense test and -- you know.

4 Q. Have you taken a personality test  
5 before?

6 A. Yes, I have.

7 Q. Where was that at?

8 A. I can't recall.

9 Q. What --

10 A. But I know there with diagrams and  
11 stuff where you see this or that and I've taken all  
12 kind of -- you know, tests and I've never had a  
13 problem with -- you know, any of them.

14 Q. Where did you take the mechanical test  
15 at before?

16 A. Excuse me?

17 Q. You said you took a mechanical test  
18 before?

19 A. Yes, a different application, like  
20 Ironton Iron.

21 Q. Ironton Iron --

22 A. Yes.

23 Q. -- had a mechanical test?

24 A. Yeah.

1 Q. What other place have you taken a  
2 test?

3 A. I just took -- I've taken (sic) a  
4 college entrance test --

5 Q. Okay.

6 A. -- to go to Ohio University, Southern  
7 Branch.

8 Q. What other tests?

9 A. I can't recall. That's about it, I  
10 guess.

11 Q. You took tests when you were at  
12 Southern -- Ohio University?

13 A. Yes.

14 Q. You said you were about a C-plus  
15 student?

16 A. Yes.

17 MS. DONAHUE: Would you like to take a  
18 break?

19 THE WITNESS: Excuse me?

20 MS. DONAHUE: Would you like to take a  
21 break?

22 THE WITNESS: Yes, if you don't mind.

23 MS. DONAHUE: Is that all right,  
24 Patty?

1 MS. PRYOR: Yep.

2 (Off the record: 12:00 p.m. - 12:05 p.m.)

3 BY MS. PRYOR:

4 Q. Mr. Carter, do you know whether any  
5 white applicant with the same or less  
6 qualifications as you was hired by AK Steel?

7 A. The same or --

8 Q. Or less, mm-hmm.

9 A. I -- I gave you the names of  
10 Mr. Turley, Mr. Whitley.

11 Q. The three that we mentioned earlier,  
12 yeah.

13 A. They worked the same department as me  
14 and I think the only -- more experience they had  
15 was they were -- worked a magnet crane.

16 Q. Okay. Anyone else?

17 A. No, that's all I can recall.

18 Q. Do you know whether AK Steel hired  
19 anyone who had a criminal conviction?

20 A. Excuse me?

21 Q. Do you know whether AK Steel hired  
22 anyone with a criminal conviction?

23 A. No, I don't.

24 Q. Did anyone at AK Steel ever say



1 anything to you about your application?

2 A. No.

3 Q. Did anyone at AK Steel ever say  
4 anything to you about why you were not hired?

5 A. Miss Lester said it was because I  
6 failed a test.

7 Q. Okay. Did anyone at AK Steel ever say  
8 anything to you about your race?

9 A. About my what?

10 Q. Your race.

11 A. No.

12 Q. Did anyone at AK Steel ever do or say  
13 anything that you believe was discriminatory?

14 MS. DONAHUE: Object to the form.

15 A. Excuse me?

16 BY MS. PRYOR:

17 Q. Did anyone at AK Steel ever do or say  
18 anything that you felt was discriminatory?

19 A. Other than not hiring me, that was  
20 about it. Other than just not hiring me.

21 Q. Did anyone at AK Steel ever do or say  
22 anything that you thought was hostile or offensive?

23 A. No.

24 Q. Did you ever hear from anyone else

1 that anyone at AK Steel ever did or said anything  
2 that was discriminatory?

3 A. No.

4 Q. Did you ever hear from anyone else  
5 that anyone at AK Steel ever did or said anything  
6 that was hostile or offensive?

7 A. No, no, other than -- well, I have  
8 heard that other applicants haven't hired and they  
9 were going to hire them and they found out -- maybe  
10 this one individual who was a female had a suit  
11 pending or something and wouldn't hire her because  
12 of that.

13 Q. What was that female's name?

14 A. I think her name was Vicky Nelson.

15 Q. Do you know what kind of suit she had  
16 pending?

17 A. No, I don't. I don't know whether she  
18 filed suit. I know she had applied and she was  
19 denied, I heard, for a certain reason in that  
20 capacity about filing a lawsuit against somebody  
21 and it wasn't disclosed by her to the --

22 Q. They were --

23 A. -- to the plant.

24 Q. They were going to offer her a job,

1 and then they --

2 A. Right.

3 Q. -- found out --

4 A. Right.

5 Q. -- that whatever else she'd done --

6 A. Right, right.

7 Q. Okay. Do you know what her race is?

8 A. Excuse me?

9 Q. Do you know what her race is?

10 A. Oh, she's black.

11 Q. Do you know whether she passed the  
12 test?

13 A. I think she had passed the test or she  
14 supposedly passed the test.

15 Q. Okay. Anyone at AK Steel treat you  
16 differently than a white applicant?

17 MS. DONAHUE: Calls for speculation.  
18 Go ahead.

19 A. I really don't. I can't say.

20 Q. Do you have any other evidence or  
21 facts that support your claim that you were treated  
22 differently than white applicants?

23 A. Say, do I have any proof?

24 Q. Yeah.

1           A.     Not other than I just wasn't hired  
2 maybe, I think because of the test.

3           Q.     Okay. Any other facts or evidence to  
4 support your claim that you were discriminated  
5 against?

6                   MS. DONAHUE: Object to the form.

7           A.     Other than what's in the complaint,  
8 that's all I -- I can tell you.

9           Q.     What's in the complaint?

10          A.     Just about the suit itself and --

11          Q.     What's your understanding of what that  
12 is?

13          A.     Excuse me?

14          Q.     What's your understanding of what the  
15 complaint says?

16          A.     Well, that I was denied because of my  
17 race.

18          Q.     Anything else?

19          A.     No.

20          Q.     Do you know who AK Steel hired instead  
21 of you?

22          A.     No, I don't.

23          Q.     Do you know who at AK Steel made the  
24 decision not to hire you?

1 A. No, I don't.

2 Q. Mr. Carter, you've been handed what's  
3 been marked as Exhibit Number 3. Have you seen  
4 this document before?

5 A. I can't recall.

6 Q. At the bottom of the page, is that  
7 your signature?

8 A. Yes, it is.

9 Q. And at the bottom of the last page --  
10 or at the top of the last page, is that your  
11 signature?

12 A. Yes.

13 Q. You don't recall seeing this document?

14 A. I've seen so many documents, ma'am, I  
15 just can't remember everything.

16 Q. Okay. When you signed this document,  
17 were you declaring under penalty of perjury that it  
18 was true?

19 A. Excuse me?

20 Q. When you signed this document, did you  
21 declare under penalty of perjury that the  
22 information was true?

23 A. Yes.

24 Q. I'm assuming the date next to your

1 signature is the date you signed it, on the first  
2 page?

3 MS. DONAHUE: Down here.

4 A. Yes.

5 Q. Did you create this document?

6 A. Did I correct this accident?

7 Q. Create this document?

8 A. No, I didn't.

9 Q. Okay. Do you know where -- who  
10 created it?

11 A. No, ma'am, I don't.

12 Q. Do you know how you came to receive  
13 it?

14 A. No, I don't.

15 Q. Do you know what you did with it after  
16 you signed it?

17 A. No, I can't recall.

18 Q. Have you ever gone to the EEOC office?

19 A. No, I haven't.

20 Q. So you did not physically take this  
21 document and give it to the EEOC?

22 A. No, I think they were just notified.

23 Q. On the second page under Roman Numeral  
24 II, "Statement of Facts," it says, "I applied to AK

1 Steel in April 2002." Is that the application that  
2 we just looked at, Exhibit Number 2?

3 A. I guess it was, yeah.

4 Q. Okay. So it should have been October  
5 2001?

6 A. Yes, yes. I got that one. I just --  
7 I think, like I say, I been through a lot of trauma  
8 and -- and difficulties since then and I just --  
9 you know, my -- my memory isn't as good it used to  
10 be (sic).

11 Q. That's understandable.

12 Have we talked about all the trauma,  
13 difficulties you've had since then?

14 A. Excuse me?

15 Q. You mentioned you've been through a  
16 lot of trauma and difficulties since then.

17 A. Yeah.

18 Q. Have we talked about all the trauma  
19 and difficulty?

20 A. I've -- I've talked to -- I've gone to  
21 family medical center, but I told them I was  
22 depressed. A lot of times I mask a lot of things.  
23 I -- I -- you know, I kept a lot of things to  
24 myself. And I've tried to dealt (sic) with things

1 individually and I'm -- I'm a very private person.  
2 And I'm trying to do -- dealt (sic) with this by  
3 myself the whole -- the whole period. I mean, I  
4 just -- I been depressed and stuff and I really  
5 haven't came out and just told them it was 'cause  
6 of that.

7 Q. Have you ever seen a counselor or  
8 therapist prior to 2001?

9 A. Prior to 2001, no.

10 Q. Has anything else happened since 2001?

11 A. Excuse me?

12 Q. You mentioned trauma. Has anything  
13 else happened to cause you trauma?

14 A. No. This -- this job has just caused  
15 me a lot of trauma and grief and stuff. I mean --

16 Q. Did your marriage problems with your  
17 wife, do you still have marriage problems with her?

18 A. Well, I don't think any marriage is  
19 perfect, you know. We still have our moments  
20 and -- but we try to assess the problem and try to  
21 work them out.

22 Q. Were there any infidelity issues  
23 there?

24 A. No.



1 Q. Did you find the AK Steel exam to be  
2 relatively easy?

3 A. Yes.

4 Q. Have you -- I apologize.

5 You did not complete the program, the  
6 human services technology program at Ohio  
7 University, correct?

8 A. Right.

9 Q. Have we talked about all the jobs that  
10 you've held since 2001? Have we talked about all  
11 the jobs you've held since 2001?

12 A. I think I forgot Oakridge Treatment  
13 Center.

14 Q. What did you do there?

15 A. I was a -- I would say what you call a  
16 peer leader. You know, we oversaw a group of kids  
17 and tried to help them deal with their personal  
18 behavior, issue problems.

19 Q. When did you do that?

20 A. That was in 2000 and -- what was it?  
21 It might have been 2001 or 2000.

22 Q. How long did you work there?

23 A. Oh, see. I worked there for -- I  
24 think it was two or three months.

1 Q. Why did you leave there?

2 A. I think I got -- got wrote up or  
3 something. I had come in late or something and  
4 they -- I had two infractions written up on me and  
5 they dismissed me the second time, the second  
6 infraction was then.

7 Q. Do you remember what the two  
8 infractions were for?

9 A. Excuse me?

10 Q. Do you remember what your two  
11 infractions were for?

12 A. Like I say, one was coming in late and  
13 I think they said the second one, a co-wrecker -- a  
14 co-worker accused me of being drunk.

15 Q. Were you drunk?

16 A. No, I wasn't.

17 Q. What was your rate of pay there?

18 A. I got paid \$10 an hour.

19 Q. Have you applied anywhere else that we  
20 haven't talked about?

21 A. No, that was about it.

22 Q. Do you keep any notes or a diary?

23 A. No, I don't.

24 Q. Did you make any notes relating to AK

1 Steel or this lawsuit?

2 A. No.

3 Q. You have -- I'm handing you what's  
4 been marked as Exhibit Number 4. Have you seen  
5 this document before? Have you ever seen this  
6 document before?

7 A. Yeah.

8 Q. And if you'll turn to page 4, your  
9 name is listed next to number three. Do you see  
10 that?

11 A. Mm-hmm.

12 Q. Underneath that is the name of Mark  
13 Collins. Is that the individual who you were  
14 telling me about who was deceased?

15 A. Yes, I think so, mm-hmm.

16 Q. What information did you believe he  
17 would have regarding race discrimination and hiring  
18 at AK Steel?

19 A. Excuse me?

20 Q. What information did you believe that  
21 he would have regarding race discrimination and  
22 hiring at AK Steel?

23 A. I don't know if he had anything. I  
24 thought that we just discussed it.

1 Q. Okay. You're not aware that he has  
2 any other information?

3 A. No, I don't.

4 Q. Okay. And I may have already asked  
5 you this and I apologize. But Darlene Carter and  
6 Marnie Carter, do they have any information about  
7 your application to AK Steel, other than what  
8 you've told them?

9 A. They just know about me -- me taking  
10 it and being told that I had failed it and that's  
11 about it, I guess.

12 Q. Do they know any of your problems with  
13 alcohol?

14 A. Yes.

15 Q. Do they know of your depression?

16 A. Yes.

17 Q. What do they know about those two  
18 things?

19 A. Well, they -- they've known ever since  
20 this suit has been going on, I just haven't been my  
21 normal self. And they -- they know that I been  
22 depressed behind it and alcohol's been one of the  
23 reasons why I drink, to try to forget about it.

24 Q. Forget about the lawsuit?

1 A. The whole experience itself.

2 Q. Are there any other witnesses or  
3 individuals who you believe would support your  
4 claims?

5 A. No, just friends I've talked about,  
6 you know.

7 Q. What friends?

8 A. Just friends in general I've talked to  
9 that -- you know, I know.

10 Q. Who are they?

11 A. Randy Pleasant, one.

12 Q. Who?

13 A. Randy --

14 Q. Randy?

15 A. -- Pleasant.

16 Q. That's not Timmy? That's a  
17 different --

18 A. No, no, no.

19 Q. Who else?

20 A. Terry Seward.

21 Q. Is that S-E-W-A-R-D?

22 A. S-E-W-A-R-D, my mother.

23 Q. Do these individuals know anything  
24 other than what you've told them?

1 A. Excuse me?

2 Q. Do these individuals know anything  
3 other than what you've told them about your claim?

4 A. Well, they know what -- how it has  
5 affected me and --

6 Q. Anyone else?

7 A. My wife.

8 Q. What does she know?

9 A. That this whole process has affected  
10 me and discouraged me and --

11 Q. Anything else?

12 A. No.

13 Q. Anyone else?

14 A. I've talked to Mr. Pleasant, Timmy  
15 Pleasant about it.

16 Q. About how upset you are about it or  
17 about your application itself or --

18 A. About how it's affected me.

19 Q. Anyone else?

20 A. A friend, brother-in-law. Eugene  
21 Campbell is his name, my brother-in-law.

22 Q. What have you talked to him about?

23 A. About how it's affected me and --

24 Q. Have you told any of these individuals

1 what's going on in the lawsuit?

2 A. No.

3 Q. Do these individuals all know that you  
4 are filing a lawsuit?

5 A. They have heard about, yes.

6 Q. Have they heard about it from you?

7 A. Yes.

8 Q. What have you told them about it?

9 A. Just that a suit was pending and that  
10 was it.

11 Q. Anyone else that you've talked to  
12 about the lawsuit or your application at AK Steel?

13 A. No, that's about it. I have a very  
14 small circle of friends and that's about it.

15 Q. Do you have any documents which  
16 support your claims?

17 A. Not other than what you have yourself.

18 Q. What do you mean what I have? What do  
19 I have?

20 A. The documents you have that the suit  
21 was filed because I think I was discriminated  
22 against because of my race and -- you know.

23 Q. You talking about the complaint?

24 A. Yes.

1 Q. Do you have any communication,  
2 documents or communications from AK Steel?

3 A. No, I don't.

4 Q. Do you have any documents that --  
5 copies of any documents that you provided to AK  
6 Steel?

7 A. Other than the application, no.

8 Q. Do you have a copy of a resume?

9 A. No, I can't -- I don't -- I don't  
10 recall having any.

11 Q. Have you ever created a resume?

12 A. Excuse me?

13 Q. Have you ever created a resume?

14 A. Yes, I have.

15 Q. When did you do that?

16 A. The last one was done in 2004 -- or  
17 2005 was the last one I had.

18 Q. Okay. Do you still have that?

19 A. Yes, at the house, yes.

20 MS. PRYOR: Okay. We'll need a copy  
21 of that.

22 BY MS. PRYOR:

23 Q. How many different versions do you  
24 have? Is it just one resume or do you have older



1 resumes as well?

2 A. I think that's about the only one I  
3 have was in 2005.

4 Q. Okay. Have you created a resume prior  
5 to that at any time?

6 A. No, I need to update it because I'm  
7 working now and stuff and I need to update it.

8 Q. Why did you create it in 2004 or 2005?

9 A. To get a job.

10 Q. Did you use it to get a job?

11 A. I've -- I've used it to get -- to  
12 apply for different jobs.

13 Q. Okay. What other jobs have you  
14 applied for?

15 A. Excuse me?

16 Q. What jobs have you applied for?

17 A. I -- I just turned it to different  
18 employers -- you know. I turned it to a plastic  
19 company. I can't recall, just different  
20 corporations and stuff. I can't recall their  
21 names. I just -- a lot of times, I've gone through  
22 the Workforce Development Company in Ironton, Ohio  
23 and they faxed them to different places, like the  
24 plastic place in Hagerhill, Kentucky; Coca-Cola --

1 I mean, Pepsi. You know, they do a lot of -- of  
2 filing it, and then sending it to the employer  
3 their selfs (sic).

4 Q. So you've given your resume to  
5 Workforce Development --

6 A. Yes.

7 Q. -- Company?

8 A. Yes.

9 Q. And they send it out on your behalf?

10 A. Right.

11 Q. Do they keep a file on you, then?

12 A. Yes, they do.

13 Q. Have you asked them for who you've  
14 sent your resume to or who they sent your resume  
15 to --

16 A. I've asked --

17 Q. -- on your behalf?

18 A. -- them if they sent resumes at  
19 certain jobs I applied for.

20 Q. Have they told you about what  
21 places --

22 A. They said that they have send them  
23 (sic).

24 Q. Have they given you a list of those

1 places they've sent it out to?

2 A. No, they haven't give (sic) me a list.  
3 I've just known that they told me that I've sent  
4 one to Pepsi; the plastic place down there at  
5 Hagerhill; another place called Total Safety,  
6 just -- you know, just different corporations.

7 Q. Do you have any notes or letters or  
8 other documents relating to any of the other  
9 plaintiffs?

10 A. Excuse me?

11 Q. Do you have any notes, documents or  
12 letters --

13 A. No.

14 Q. -- related to any of the --

15 A. No.

16 Q. -- other plaintiffs?

17 A. No.

18 Q. No? You've been handed what's been  
19 marked as Exhibit 5. Have you seen this document  
20 before?

21 A. Yes.

22 Q. And is that your signature on page 9?

23 A. Page 9?

24 Q. It doesn't have a number on it.

1 A. I don't know, this is it.

2 Q. Yeah, that's the page. It's the page  
3 after page 8. There's no number on it, but it's  
4 the ninth page.

5 A. Yeah, mm-hmm.

6 Q. And you understood by signing that  
7 that you were certifying that the answers to the  
8 questions were true?

9 A. To the best of my knowledge.

10 Q. Okay. Did you do anything to make  
11 sure that the answers were true?

12 A. I just tried to recollect information  
13 best I could.

14 Q. You didn't look at any documents?

15 A. Not a whole bunch. I just tried to  
16 follow directions, what I thought were necessary.

17 Q. Do you understand that your criminal  
18 conviction was a legal proceeding?

19 A. Excuse me?

20 Q. Did you understand that your criminal  
21 conviction was a legal proceeding?

22 A. I guess so. I mean --

23 Q. If you look at page 5, actually page 4  
24 and 5, the bottom of page 4 is an interrogatory

1 number two, which asks you to identify all  
2 employers since January 2001. Do you see that?

3 A. Yeah.

4 Q. Okay. And then if you turn to page 5,  
5 you have I'm assuming what's your answer?

6 A. I've got five, yeah.

7 Q. Okay. Is that answer, is that --  
8 those dates and employers that are listed there,  
9 are those true?

10 A. Say -- yeah, I forgot about C, yeah,  
11 mm-hmm.

12 Q. You forgot about what?

13 A. Excuse me?

14 Q. You said you forgot about something.

15 A. The CAO office.

16 Q. What is that?

17 A. Community Action.

18 Q. What did you do for them?

19 A. It was a part-time job. We went in  
20 the county and what we did, we cut down brush and  
21 branches that we felt might obstruct lakes and  
22 stuff and cause flooding of some sort and we cut  
23 them down and burn them and dispose of them.

24 Q. And it looks like you did that for

1 eight months, nine months?

2 A. Yes, mm-hmm.

3 Q. Why did you leave that employment?

4 A. It expired. It was a part-time job.

5 Q. What do you mean, "it expired"?

6 A. It expired. It was a program that  
7 went from so many months. It was a nine-month job,  
8 something like that and it was terminated because  
9 it was just a part-time job.

10 Q. Okay.

11 A. And it was during the ice, bad ice --  
12 ice belt they had back then.

13 Q. How much did you make there?

14 A. Made \$10 an hour.

15 Q. Did you work 40 hours?

16 A. Yes.

17 Q. Did you receive any benefits?

18 A. No.

19 Q. What is Laborer's Local 1445?

20 A. That was in Catlettsburg, Kentucky.

21 Q. What is that?

22 A. That was a union hall.

23 Q. What did you do for them?

24 A. We just went to plants and just did

1 general labor work -- you know, clean units out,  
2 something like Veiola, the place I'm working at  
3 now.

4 Q. And it said that you left because of  
5 problems related to alcohol. What does that mean?

6 A. Like I say, there's -- I -- I had  
7 alcohol problems as soon as this suit's -- you  
8 know, transpired and that was one of the reasons.

9 Q. Were you fired?

10 A. I wasn't fired. Well, I -- I was  
11 terminated. I guess -- you know, more or less -- I  
12 guess they terminated me. I just got a thing in  
13 the mail that said that my services were no longer  
14 needed and --

15 Q. Do you know why?

16 A. Like I say, I went to a -- I went to a  
17 job one day and what happened, I left with my ID  
18 badge. I -- I forgot it and I had drank some beer  
19 earlier there that day. And I was working, I  
20 think, seven at midnight (sic) to like seven in the  
21 morning, 12-hour shift.

22 And I had drank earlier until about  
23 like 2:00 that morning, afternoon. And I slept  
24 from like two -- 2:00 till about 6:00, got up,

1 forgot to brush my teeth. I go into work and I got  
2 the ID badge I generally keep in my wallet and  
3 somehow it slipped out. And I got to my job site  
4 and we had to go through this turnstile to get to  
5 the guard to show our ID.

6 Well, I didn't have it with me at the  
7 time. So I asked him for a duplicate. Well, he  
8 got me a duplicate made, handed it to me, asked me  
9 if I'd been drinking. And I said no. And he said  
10 you sure? I said, well, I drank earlier, you know.  
11 And he said, well, I can't let you in. And I said  
12 why not? And he said, well, because I smell  
13 alcohol. I said, well, I just -- I drank earlier  
14 and I forgot to brush my teeth, you know.

15 And he said, well, who's your foreman?  
16 So I told him my lead foreman's name and he came  
17 out. And at the same time, there's another guy I  
18 worked with, he told the guard, well, I'm going to  
19 lay him off anyway tonight 'cause he's laying this  
20 other guy off, I guess because work was minimal.  
21 And that was the last I heard the job -- you know,  
22 other than what I got in the mail about the  
23 termination.

24 Q. Any other employers that you've been



1 terminated from?

2 A. No.

3 Q. All right. For interrogatory number  
4 three, which asks you to identify all employers  
5 whom you applied for employment since January 1,  
6 2001. You list AK Steel, and then you say -- see  
7 the employers that you actually worked for?

8 Have you applied for anyone else that  
9 you did not work for during that time period?

10 A. Since 2001?

11 Q. Yeah, have you applied anywhere that  
12 you were not hired, besides AK Steel?

13 A. Yes. I've -- I've gone to plastic  
14 plant, submitted resumes. I've gone to Pepsi-Cola.  
15 I've gone to Kentucky Fried Chicken. Where else  
16 have I gone to? To a place called Total Safety.

17 Q. Is there a reason why those are not  
18 listed here?

19 A. My memory. Like I say, it's -- I'll  
20 admit I had the alcohol problem. I can't remember  
21 everything I used to years ago.

22 Q. In response to interrogatory number  
23 five, that's for individuals who have knowledge  
24 about or information about the allegations in the

1 complaint. You list Kay Jackson, who we've already  
2 talked about, correct?

3 A. Number what?

4 Q. Number 5. It's on page 6. Do you see  
5 it?

6 A. Yeah.

7 Q. Okay. Kay Jackson, we've already  
8 talked about, correct?

9 A. Oh, okay, yes. I know her.

10 Q. Who is Ronald Sloan?

11 A. If I'm not mistaken, I think he's the  
12 one that started this class action lawsuit, if I'm  
13 not mistaken. I'm not sure now.

14 Q. Okay. How do you know that, that he  
15 started --

16 A. The name just sounds familiar.

17 Q. Okay. Do you have any idea what  
18 knowledge he has?

19 A. Excuse me?

20 Q. Do you have any idea what knowledge he  
21 has?

22 A. No.

23 Q. Have you ever talked to him?

24 A. It's been awhile back, but I can't

1 recall what it was -- what it entailed or what was  
2 said.

3 Q. Have you talked to him outside the  
4 presence of counsel before?

5 A. I think I've talked to him on the  
6 phone.

7 Q. Do you remember what he said?

8 A. I believe he might have been the one  
9 that told me about the lawsuit.

10 Q. Okay.

11 A. That was about all.

12 Q. What did he tell you about the  
13 lawsuit?

14 A. I think he just discussed that one was  
15 pending or something.

16 Q. Was that after Mr. Cosby told you  
17 about it?

18 A. I think so. I'm not sure now, but I  
19 think so.

20 Q. Did he ask you to join it?

21 A. I think that he had told me that I  
22 could be a participant in it -- you know, if I  
23 chose to.

24 Q. What about Marnie Carter, what does

1 she know?

2 A. Excuse me?

3 Q. Why do you list Marnie Carter?

4 A. That's my niece.

5 Q. What do you think she knows?

6 A. Just that she took the test and that  
7 she's a defendant or a litigant of this case, you  
8 know.

9 Q. What about Rodrique Russell, who is  
10 he?

11 A. I don't know. I've heard the name,  
12 but I just -- I can't place him.

13 Q. Why did you list him on here?

14 A. I think I remember the name at one  
15 time and -- and put it down.

16 Q. You don't know who he is?

17 A. Or I might have got it off the -- the  
18 suit itself --

19 Q. Okay.

20 A. -- in the documents, you know.

21 Q. Do you have any idea what he knows?

22 A. No, I don't, other than he felt like  
23 he was discriminated against also because of his  
24 race.

1 Q. How do you know that?

2 A. He's a litigant of this case, so I --  
3 I just say it speaks for itself.

4 Q. You're assuming that, based on the  
5 fact that --

6 A. Yeah --

7 Q. -- he's a litigant?

8 A. -- right.

9 Q. Darlene Carter is your sister, right?

10 A. That's my twin sister.

11 Q. We talked about her earlier. Dwight  
12 Lewis, who is he?

13 A. I -- I don't know him. I just heard  
14 it. I think he lives in Ashland, Kentucky. I  
15 don't know him personally.

16 Q. And what have you heard about him?

17 A. I just know that he's a litigant in  
18 this case. I don't -- I don't know him.

19 Q. Okay. What about Vivian Bert?

20 A. Other than I know she's on this case  
21 also.

22 Q. Okay. And what about Fred Howell?

23 A. Well, that's my supervisor. I don't  
24 know how that got in there.

1 Q. Does he know anything about your  
2 lawsuit here?

3 A. No.

4 Q. Does he know anything about your  
5 claims?

6 A. Excuse me?

7 Q. Does he know anything about your  
8 claims?

9 A. No, no.

10 Q. Does he know anything about your  
11 application to AK Steel?

12 A. No.

13 Q. And if you'll look after your  
14 signature page, there's some documents attached to  
15 this.

16 MS. DONAHUE: I hate to do this, but I  
17 really would like to use the restroom. Could we  
18 take just a really quick break? I'll be right  
19 back.

20 (Off the record: 12:37 p.m. - 12:39 p.m.)

21 BY MS. PRYOR:

22 Q. If you could turn to -- on Exhibit 5,  
23 if you could turn to the page after your signature  
24 page.

1 A. Which page is that?

2 MS. DONAHUE: Keep going, one more.

3 THE WITNESS: Right here?

4 MS. DONAHUE: No, next one.

5 THE WITNESS: Oh, the next one?

6 MS. PRYOR: That, that one.

7 BY MS. PRYOR:

8 Q. It says, "Ironton-Lawrence County Area  
9 CAO, Inc. Earnings History." What is that  
10 document?

11 A. That's the pay periods and the amount  
12 of pay I was getting paid every week.

13 Q. And that's when you were at CAO?

14 A. Yes.

15 Q. Where did you get that document from?

16 A. I got it from a supervisor that was  
17 over the program down in the Workforce Development.  
18 She was working with -- hand in hand with Community  
19 Action. I think she had this printed out for me.

20 Q. And does that cover the entire period  
21 that you worked for CAO?

22 A. Yes.

23 Q. And the next page, it says, "Job  
24 Search Log."

1 A. Mm-hmm.

2 Q. What did you complete this for?

3 A. Workforce Development, I was going  
4 down and they was telling me I might be able to get  
5 some grant to go back to school to further my  
6 education. And I have to have seven -- or 11  
7 places marked on this sheet of paper -- you know,  
8 for proof that I have been searching for a job and  
9 this would enable me to get some grant money to  
10 continue my education.

11 Q. And have you been able to get that  
12 grant money?

13 A. No. Like I say, I'm working right now  
14 and I just never went back and talked to them.  
15 I -- I intend to in the near future.

16 Q. During this time, it looks like  
17 September 2006, October 2006, November, December  
18 and January, were you not employed during that  
19 time?

20 A. Excuse me?

21 Q. Were you not employed between  
22 September 2006 and January 2007?

23 A. January 2006 and February 2007?

24 Q. September 2006 and January 2007 --



1 MS. DONAHUE: From this period.

2 Q. -- while you were applying to these  
3 other jobs, were you employed anywhere else?

4 A. I can't recall, no. I think -- wait a  
5 minute. No, I don't think I was. I don't think I  
6 was. I think I did work at Infocisian, I think  
7 that was.

8 Q. If you look back up to page 5 of your  
9 interrogatory --

10 A. 2006 or something. Which was -- page  
11 was that?

12 Q. Page 5.

13 A. Page 5, mm-hmm.

14 Q. All right. Prior -- and you look at  
15 your answer there where you --

16 A. Yes.

17 Q. Prior to getting your most recent job  
18 that you're currently employed at, were you not  
19 employed since March 2006?

20 A. At the Laborer's Union, yeah.

21 Q. You left that --

22 A. I --

23 Q. -- in March 2006?

24 A. I forgot about that, yeah.

1 Q. So from March of 2006 until -- when  
2 did you get your most recent job?

3 A. My most recent -- I just got hired in  
4 April of this year.

5 Q. Okay. So from March 2006 through  
6 April 2007, you were unemployed; is that correct?

7 A. Sounds right.

8 Q. Okay. And then the next page after  
9 that job search log, it looks to be a 1999 W-2.

10 A. Mm-hmm.

11 Q. Is that your W-2 from Ironton Iron?  
12 Is that correct?

13 A. Yes.

14 Q. And then the next page is your 2004  
15 unemployment compensation records --

16 A. Mm-hmm.

17 Q. -- is that correct?

18 A. Yeah.

19 Q. And the next page is -- looks like a  
20 W-2 from 2005 at Commercial Help. What is  
21 Commercial Help?

22 A. That was a place that I worked through  
23 Manpower Temporary Services.

24 Q. And that is not listed on your answer

1 to interrogatory number five, correct?

2 A. I think I did tell you I worked for  
3 Manpower in 2005 or somewhere around in there. I  
4 can't recall. I might been off so many months or  
5 something, but I think I did tell you I worked for  
6 Manpower.

7 Q. Looks like you worked for Commercial  
8 Help in 2004 and 2005?

9 A. Yes, mm-hmm.

10 Q. How many days did you work there?

11 A. I can't recall now.

12 Q. It doesn't look like very much, based  
13 on the --

14 A. No, it's just temporary help. You  
15 know, they -- they call Manpower when they need a  
16 job done. It could be a week, a two-week job. And  
17 generally it's about a week and a half or something  
18 like that and -- you know, they get their job or  
19 their merchandise out and --

20 Q. Did you work anywhere else for  
21 Manpower during that time?

22 A. I worked for, like I say, the -- I  
23 don't know, McNichol Nut and Bolt I told you about  
24 for Manpower.

1 Q. Do you have a W-2 for them?

2 A. I don't -- I don't recall. I don't  
3 know if I do or not. You know, all I have is what  
4 I -- I gave here. I -- I couldn't find anything  
5 else.

6 Q. Have you been keeping your W-2's since  
7 2002?

8 A. I try to keep them, yeah.

9 Q. Were you instructed to keep them since  
10 2002?

11 A. Excuse me?

12 Q. Have you been instructed to keep them  
13 since 2002?

14 A. No, I just -- I just generally keep  
15 them, you know.

16 Q. Do you have any other W-2's since  
17 2002?

18 A. Other than what I turned into to --  
19 right here, this is about it, I think.

20 Q. Other than what you see in Exhibit --

21 A. Yes, mm-hmm.

22 Q. -- 5?

23 A. Right.

24 Q. Have you made a thorough search for

1 your W-2's?

2 A. Yes, I have.

3 Q. Do you have any tax returns?

4 A. For this year?

5 Q. For -- going back to 2001.

6 A. For 2001?

7 Q. Mm-hmm.

8 A. I don't think I have all of them. You  
9 know, I -- I just -- I gave them what I -- what I  
10 could find and that was it.

11 Q. When was the first time you gathered  
12 documents, your W-2's and tax returns?

13 A. I can't recall now.

14 Q. I assume at one point you did have  
15 your W-2's for all those years, or at least in  
16 2002 --

17 A. Yes --

18 Q. -- you would have had them --

19 A. -- probably --

20 Q. -- and 2003?

21 A. -- misplaced or something.

22 Q. Next one, you got a 2006 W-2 from  
23 Shared Systems Technology. Do you see that?

24 A. Mm-hmm.

1 Q. What is Shared Systems Technology?

2 A. I think that is -- if I'm not  
3 mistaken -- let me see the address of that. Shared  
4 Systems Technology, okay. That's the labor union I  
5 worked at. That's -- that's the company we work  
6 for.

7 Q. Okay.

8 A. You know, they were the subcontractors  
9 and they were the ones hired -- they went through  
10 the Local 1445 to -- to work for, yeah.

11 Q. Okay. And I see a 2005 W-2 from  
12 Infocisian --

13 A. Mm-hmm.

14 Q. -- we've already talked about. And it  
15 looks like a 2004 tax return that you have; is that  
16 right?

17 A. 2004? Yes.

18 Q. And a 2005 tax return and a 2006 tax  
19 return; is that right?

20 A. Yeah.

21 Q. Does your wife work?

22 A. Yes.

23 Q. Is her income included on these tax  
24 returns?

1           A.       We've been filing separate or  
2 something. I been filing an injured spouse claim  
3 or something because she was getting -- she owed  
4 higher education some money before we got married  
5 and we been filing like injured spouse because we  
6 weren't married and I thought I was entitled to my  
7 fair of money (sic), so if we got money back from  
8 our -- our kids and stuff -- you know, on our  
9 income taxes.

10           Q.       How many children do you have?

11           A.       I have three.

12           Q.       What are their ages?

13           A.       20, 21 and 22.

14           Q.       Okay.

15           A.       My oldest will be 23 this year and my  
16 oldest will be 21 (sic), and then my daughter just  
17 turn 20 -- the youngest just turned 20 yesterday.

18           MS. PRYOR: Okay. I have no further  
19 questions, but I would like to make sure that we've  
20 gotten all of his tax returns and W-2's and there  
21 were a few other things we mentioned earlier.

22           MS. DONAHUE: Resume.

23           MS. PRYOR: Resume, thank you.

24           MS. DONAHUE: Well, I think we just

1 have one question.

2 EXAMINATION

3 BY MS. DONAHUE:

4 Q. What is your understanding of the --  
5 of your record for the assault that you talked  
6 about earlier?

7 A. What I heard, it was suspended 'cause  
8 I've got a copy of it at the house. You know, I  
9 was on probation for so many years and that was  
10 understood that was suspended and I do have a copy  
11 of that piece of paper 'cause that was back in --  
12 you know, if you --

13 Q. Okay.

14 A. -- go so many years without having no  
15 criminal record, it's -- you know, exonerated and  
16 it was suspended.

17 Q. Was your understanding of that  
18 suspension that it would be stricken from your  
19 record?

20 A. Right, yes.

21 MS. DONAHUE: Okay.

22 MS. PRYOR: Follow-up.

23 RECROSS-EXAMINATION

24 BY MS. PRYOR:



1           Q.     You called it a suspension. Is that  
2 what you called it?

3           A.     Yeah.

4           Q.     You have a document about that?

5           A.     Yes.

6           MS. PRYOR: We'd like a copy of that  
7 document.

8           MS. DONAHUE: Sure, okay. Okay. No  
9 more questions. Thank you.

10                 (Deposition concluded at 12:49 p.m.)

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Darrell D. Carter

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## C E R T I F I C A T E

STATE OF OHIO :  
: SS  
COUNTY OF HAMILTON :

I, Susan M. Barhorst, a Notary Public in  
and for the State of Ohio, duly commissioned and  
qualified, do hereby certify that prior to the  
giving of this deposition the within-named  
DARRELL D. CARTER was by me first duly sworn to  
testify the truth, the whole truth, and nothing but  
the truth; that the foregoing pages constitute a  
true, correct, and complete transcript of the  
testimony of said deponent, which was recorded in  
stenotypy by me, and on the 6th day of September  
2007 was submitted to counsel for deponent's  
signature.

I further certify the within deposition was  
duly taken before me at the time and place stated,  
pursuant to the Federal Rules of Civil Procedure;  
that I am not counsel, attorney, relative or  
employee of any of the parties hereto, or their  
counsel, or financially or in any way interested in

1 the within action, and that I was at the time of  
2 taking said deposition a Notary Public in and for  
3 the State of Ohio.

4 IN WITNESS WHEREOF, I have hereunto set my  
5 hand and notarial seal at Cincinnati, Ohio, this  
6 6th day of September 2007.

7  
8  
9 Susan M. Barhorst, Notary Public  
10 in and for the State of Ohio.  
11 My commission expires  
12 February 18, 2009  
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